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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।
Separate paging is given to this Part in order that it may be filed as a separate compilation.

MINISTRY OF LAW AND JUSTICE

(Legislative Department)

New Delhi, the 3rd November, 1971/Kartika 12, 1893 (Saka)

THE VISVA-BHARATI (AMENDMENT) ORDINANCE, 1971

No. 22 OF 1971

Promulgated by the President in the Twenty-second Year of the Republic of India.

An Ordinance further to amend the Visva-Bharati Act, 1951.

WHEREAS Parliament is not in session and the President is satisfied that circumstances exist which render it necessary for him to take immediate action;

NOW, THEREFORE, in exercise of the powers conferred by clause (1) of article 123 of the Constitution, the President is pleased to promulgate the following Ordinance:—

Short title and commencement.

1. (*1*) This Ordinance may be called the Visva-Bharati (Amendment) Ordinance, 1971.

(*2*) It shall come into force at once.

Act 29 of 1951 to be temporarily amended.

2. During the period of operation of this Ordinance, the Visva-Bharati Act, 1951 (hereinafter referred to as the principal Act), and the Statutes thereunder shall have effect subject to the amendments specified in this Ordinance.

Substitution of new section for section 19.

3. For section 19 of the principal Act, the following section shall be substituted, namely:—

The Samsad (Court).

"19. (1) The Samsad (Court) shall consist of the following members, namely:—

(a) the Acharya (Chancellor), *ex-officio*;

(b) the Upacharya (Vice-Chancellor) and the other members of the Karma-Samiti (Executive Council), *ex-officio;*

(c) the Artha-Sachiva (Treasurer), *ex-officio*;

(d) two persons, being Professors of the University, to be nominated by the Paridarsaka (Visitor);

(e) two persons from among the teachers, other than the Professors, to be nominated by the Paridarsaka (Visitor);

(f) three representatives of Parliament, of which two to be nominated by the Speaker of the Lok Sabha from among the members thereof and one to be nominated by the Chairman of the Rajya Sabha from among the members thereof;

(g) ten persons to be nominated by the Paridarsaka (Visitor) from among persons who, in the opinion of the Paridarsaka (Visitor), are men of standing in public life or have special knowledge or practical experience in education or have rendered eminent services in the cause of education;

(h) two members of the Alumni Association to be nominated thereunder or by the Paridarsaka (Visitor).".

(2) Ten members, other than the *ex-officio* members of the Samsad (Court), shall form the quorum for its meeting.

(3) Each member of the Samsad (Court), other than the *ex-officio* members, shall hold office for a term of three years from the date on which he is nominated as its member.

Substitution of new section for section 21.

4. For section 21 of the principal Act, the following section shall be substituted, namely:—

Functions of the Samsad (Court).

"21. The Samsad (Court) shall be an advisory body and shall—

(a) advise the Paridarsaka (Visitor) in respect of such matter as he may refer to it for advice;

(b) advise any authority of the University in respect of such matter as may be referred to it by such authority; and

(c) perform such other duties and exercise such other powers as may be assigned to it by or under this Act or the Statutes made thereunder or by the Paridarsaka (Visitor).".

Amendment of section 22.

5. In section 22 of the principal Act, for the words "The Karma-Samiti", the words "Subject to the control of the Paridarsaka (Visitor), the Karma-Samiti" shall be substituted.

6. In section 23 of the principal Act,— Amendment of section 23.

(*i*) for the words "The Karma-Samiti", the words "Subject to the control of the Paridarsaka (Visitor), the Karma-Samiti" shall be substituted; and

(*ii*) after clause (*i*), the following clause shall be inserted, namely:—

"(*ia*) shall regulate and enforce discipline among members of the teaching, administrative and ministerial staff of the University in accordance with the Statutes and the Ordinances;".

7. In section 28 of the principal Act, for sub-sections (*2*) to (*8*), the following sub-sections shall be substituted, namely:— Amendment of section 28.

"(*2*) The Statutes may be amended, repealed or added to by Statutes made by the Karma-Samiti (Executive Council).

(*3*) The Karma-Samiti (Executive Council) shall not propose the draft of any Statute affecting the status, powers or constitution of any authority of the University until such authority has been given an opportunity of expressing the opinion upon the proposal and any opinion so expressed shall be in writing and shall be submitted to the Paridarsaka (Visitor).

(*4*) Every new Statute or addition to a Statute or any amendment or repeal of a Statute shall be submitted to the Paridarsaka (Visitor) who may assent to it or withhold his assent therefrom or remit it to the Karma-Samiti (Executive Council) for further consideration.

(*5*) A Statute passed by the Karma-Samiti (Executive Council) shall have no validity until it has been assented to by the Paridarsaka (Visitor).".

8. In section 30 of the principal Act,— Amendment of section 30.

(*i*) in sub-section (*3*), the words "and the Samsad (Court), and shall be considered by the Samsad (Court) at its next succeeding meeting" shall be omitted;

(*ii*) for sub-sections (*4*) to (*7*), the following sub-sections shall be substituted, namely:—

"(*4*) Where the Karma-Samiti (Executive Council) has rejected the draft of an Ordinance proposed by the Siksha-Samiti (Academic Council), the Siksha-Samiti (Academic Council) may appeal to the Paridarsaka (Visitor) who may pass such orders thereon as he thinks fit.

(*5*) All Ordinances made by the Karma-Samiti (Executive Council) shall be submitted, as soon as may be, to the Paridarsaka (Visitor) who may disallow any such Ordinance or remit it to the Karma-Samiti (Executive Council) for further consideration.

(*6*) The Paridarsaka (Visitor) may, by order, direct that the operation of any Ordinance shall be suspended until he has had an opportunity of exercising his power of disallowance, and any order of suspension under this sub-section shall cease to have effect on the expiration of one month from the date of such order.".

Substitution of new section for section 35.

9. For section 35 of the principal Act, the following section shall be stituted, namely:—

Annual Reports.

"35. The annual report of the University shall be prepared under the direction of the Karma-Sàmiti (Executive Council) and shall be submitted to the Paridarsaka (Visitor) on or before such date as may be prescribed by the Statute.".

Amendment of section 36.

10. In section 36 of the principal Act,—

(*i*) in sub-section (*3*), the words "the Samsad (Court) and to" shall be omitted; and

(*ii*) for sub-section (*4*), the following sub-section shall be substituted, namely:—

"(*4*) The annual accounts and the financial estimates shall be considered by the Paridarsaka (Visitor) who may communicate his views to the Karma-Samiti (Executive Council) which shall take them into consideration and take such action thereon as it thinks fit or inform the Paridarsaka (Visitor) when no action is taken, of its reasons therefor.".

Substitution of new section for section 41.

11. For section 41 of the principal Act, the following section shall be substituted, namely:—

Removal from membership of the University.

"41. The Karma-Samiti (Executive Council) may, on the recommendation of not less than two-thirds of its members remove any person from the membership of any authority or board of the University in case if such a person is guilty of a serious offence involving moral turpitude, or if he has been guilty of scandalous conduct and for the same reasons may withdraw any degree or diploma conferred on, or granted to, any person by the University:

Provided that no action shall be taken under this section against any person except after giving him a reasonable opportunity of being heard with regard to the proposed action.".

Amendment of Statutes.

12. Notwithstanding anything contained in the principal Act, the Statutes of the University shall stand amended as follows:—

(*i*) in Statute 3, after clause (*2*), the following clause shall be inserted, namely:—

"(*2A*) When the Upacharya (Vice-Chancellor) by reason of leave or absence or any other cause is unable to perform the duties of his office, the current duties of the Upacharya (Vice-Chancellor) shall be performed—

(*a*) in the case of leave or absence for more than thirty days, by such Professor as the Karma-Samiti (Executive Council) may appoint for the purpose on the recommendation of the Upacharya (Vice-Chancellor);

(*b*) in the case of leave or absence for a period not exceeding thirty days, by such teacher or an officer as the Upacharya (Vice-Chancellor) may appoint for the purpose.";

(*ii*) in Statute 7, after item (*2*), the following item shall be inserted, namely:—

"(*3*) *Dean of Student Welfare.*";

(*iii*) after Statute 9, the following Statute shall be inserted, namely:—

"9A. Dean of Student Welfare

(*1*) The Dean of Student Welfare shall be appointed, from amongst the employees of the University who are or who have been teachers of the University, by the Karma-Samiti (Executive Council) on the recommendation of the Upacharya (Vice-Chancellor).

(*2*) The Dean of Student Welfare shall exercise such powers and perform such duties either whole-time, or, depending upon the need of the University, part-time, accordingly as the Karma-Samiti (Executive Council) may, on the recommendation of the Upacharya (Vice-Chancellor), direct.

(*3*) The period and terms of the appointment of the Dean of Student Welfare shall be determined by the Karma-Samiti (Executive Council).";

(*iv*) Statutes 10 and 11 shall be omitted;

(*v*) for Statute 13, the following Statute shall be substituted, namely:—

"13. *The Karma-Samiti* (Executive Council)

(1) The Karma-Samiti (Executive Council) shall consist of the following members, namely:—

(a) the Upacharya (Vice-Chancellor), *ex-officio*;

(*b*) seven persons of whom not more than four shall be Professors of the University, to be nominated by the Paridarsaka (Visitor); and

(c) one person to be nominated by the Pradhan (Rector) of the University.

(*2*) Five members of the Karma-Samiti (Executive Council) shall form the quorum for its meeting.

(*3*) Each member of the Karma-Samiti (Executive Council) other than the Upacharya (Vice-Chancellor), shall hold office for a term of three years from the date on which he is nominated as its member.";

(*vi*) for Statute 14, the following Statute shall be subsituted, namely:—

"14. The Siksha-Samiti (Academic Council)

(*1*) The Siksha-Samiti (Academic Council) shall consist of the following members, namely:—

(*a*) the Upacharya (Vice-Chancellor), *ex-officio*;

(b) Chatra-Parichalaka (Proctor), *ex-officio*;

(c) Granthagarika (Librarian);

(d) Head of the Palli-Samgathan Vibhag, *ex-officio*;

(*e*) fifteen teachers of the University to be nominated by the Paridarsaka (Visitor); and

(*f*) two persons, not being employees of the University, to be nominated by the Paridarsaka (Visitor) for their specialised knowledge.

(*2*) Eight members of the Siksha-Samiti (Academic Council) shall form the quorum for its meeting.

(*3*) Each member of the Siksha-Samiti (Academic Council), other than the *ex-officio* members, shall hold office for a term of three years from the date on which he is nominated as its member.";

(*vii*) for Statute 16, the following Statute shall be substituted, namely:—

"16. The Artha-Samiti (Standing Finance Committee)

(*1*) The Artha-Samiti (Standing Finance Committee) shall consist of the following members, namely:—

(*a*) the Upacharya (Vice-Chancellor), *ex-officio;*

(*b*) two persons to be nominated by the Paridarsaka (Visitor);

(*c*) one Professor of the University to be nominated by the Karma-Samiti (Executive Council); and

(*d*) the Artha-Sachiva (Treasurer), who shall be the Secretary thereof.

(*2*) Four members of the Artha-Samiti (Standing Finance Committee) shall form the quorum for its meeting.

(*3*) Each member of the Artha-Samiti (Standing Finance Committee), other than the Upacharya (Vice-Chancellor), shall hold office for a period of three years from the date on which he is nominated as its member.";

(*viii*) for Statute 19, the following Statute shall be substituted, namely:—

"19. Patha-Samitis (Boards of Studies)

(*1*) There shall be separate Patha-Samitis (Boards of Studies) for each of the following, namely:—

(*i*) school studies;

(*ii*) each subject of the—

(a) under-graduate studies, and

(b) post-graduate studies.

(*2*) The constitution of such Patha-Samitis (Boards of Studies) shall be as such as may be prescribed by Ordinances.

(3) It shall be the duty of each Patha-Samiti (Board of Studies) to make recommendations to the Siksha-Samiti (Academic Council) regarding—

(*i*) courses and syllabi of studies and text books for its subject or subjects with which it is concerned;

(*ii*) fellowships, scholarships, medals and prizes in the subject or subjects with which it is concerned;

(*iii*) combination of subjects permitted in the various courses; and

(*iv*) the names of examiners.";

(*ix*) after Statute 19, the following Statute shall be inserted, namely:—

"19A. Principals of Colleges

(1) There shall be an Adhyaksha (Principal) for each College.

(2) Each Professor within the College shall, by rotation according to seniority, act as the Adhyaksha (Principal) of the College for a period of two years:

Provided that if there is no Professor in the College, a senior teacher shall be asked by the Upacharya (Vice-Chancellor) to act as the Adhyaksha (Principal) till such time as a Professor is appointed:

Provided further that the Upacharya (Vice-Chancellor) may on the written request of the Professor or senior teacher, as the case may be, exempt such Professor or teacher from having to work as the Adhyaksha (Principal) or accept the resignation of an Adhyaksha (Principal) during the tenure of his office as such, if the Upacharya (Vice-Chancellor) is satisfied with the reasons given by him for such resignation.

Explanation: For the purpose of this Statute, a Professor shall be senior to a Reader and a Reader shall be senior to a Lecturer.

(3) For the purpose of this Statute, there shall be maintained separate common seniority lists, respectively, in relation to the Professors, Readers and Lecturers working in the various colleges of the University.

(4) If a question arises as to the seniority of any Professor, Reader or Lecturer, as the case may be, the same shall be determined by the Karma-Samiti (Executive Council).";

(*x*) in Statute 21, in clause (2), sub-clause (*d*) shall be omitted;

(*xi*) in Statute 22, in clause (2), the words "approval of two-thirds of the members present at any meeting of the Samsad (Court) and the" shall be omitted;

(*xii*) after Statute 46, the following Statute shall be inserted, namely:—

"47. Maintenance of discipline amongst students of the University

(1) All powers relating to discipline and disciplinary action

in relation to students of the University shall vest in the Upacharya (Vice-Chancellor).

(2) The Upacharya (Vice-Chancellor) may delegate such of his powers as he deems proper to the Chatra-Parichalaka (Proctor) and to such other persons as he may specify in this behalf and the powers so delegated shall be exercised under the direction, supervision and control of the Upacharya (Vice-Chancellor).

(3) Without prejudice to the generality of his powers relating to the maintenance of discipline and the taking of such action in the interests of maintenance of discipline as may seem to him appropriate the Upacharya (Vice-Chancellor) may, in the exercise of his powers aforesaid order or direct that any student or students be expelled, or be, for a stated period, rusticated, or be not, for a stated period, admitted to a course or courses of study or be fined in a sum of rupees that may be specified or be debarred from taking examination or examinations for one or more years or that the results of student or students concerned in the examination or examinations in which he or they have appeared, be cancelled.

(4) Without prejudice to the powers of the Upacharya (Vice-Chancellor) and the Chatra-Parichalaka (Proctor) as aforesaid, detailed rules of discipline and proper conduct shall be framed by the University.".

Transitional provisions.

13. (1) Every person holding office as a member of the Samsad (Court), Karma-Samiti (Executive Council), Siksha-Samiti (Academic Council), Artha-Samiti (Standing Finance Committee) or a Patha-Samiti (Board of Studies), as the case may be, immediately before the commencement of this Ordinance shall, on and from such commencement, cease to hold office as such:

Provided that where any such person held, immediately before such date, any other office in the University, nothing contained in this sub-section shall be construed as affecting his continuance in such other office.

(2) Until the Samsad (Court), Karma-Samiti (Executive Council), Siksha-Samiti (Academic Council), Artha-Samiti (Standing Finance Committee) or a Patha-Samiti (Board of Studies), as the case may be, is constituted in accordance with the provisions of the principal Act as amended by this Ordinance or the Statutes as modified by this Ordinance, the Paridarsaka (Visitor) may, by general or special order, direct any officer of the University to exercise the powers and perform the duties conferred or imposed by or under the principal Act as so amended or the Statutes as so modified on the Samsad (Court), Karma-Samiti (Executive Council), Siksha-Samiti (Academic Council), Artha-Samiti (Standing Finance Committee) or the Patha-Samiti (Board of Studies), as the case may be.

V. V. GIRI,
President.

N. D. P. NAMBOODIRIPAD,
Joint Secy. to the Govt. of India.

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